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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/625,823

07/23/2003

Scott Goldthwaite

WS-102

7792

27769

7590

12/28/2006

AKC PATENTS
215 GROVE ST.
NEWTON, MA 02466

EXAMINER

HANNON, CHRISTIAN A

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

12/28/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/625,823

Applicant(s)

GOLDTHWAITE ET AL.

Examiner

Christian A. Hannon

Art Unit

2618

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 December 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

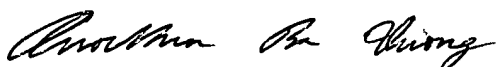
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s): (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

 12/13/06

QUOCHIEN B. VUONG
PRIMARY EXAMINER



Continuation of 11. does NOT place the application in condition for allowance because: The Applicant maintains that the Markkanen et al (US 2003/0189096), hereinafter Markkanen, reference is incorrect in stating it as prior art to read on Applicant's currently claimed invention. However the Examiner respectfully disagrees. The primary basis for the Applicant's argument is that Markkanen fails to "mention in the entire specification of the cited reference the term 'card slot' or 'SIM card slot'" (Page 10 of Applicant Remarks, Lines 15-16).

While the Examiner concedes that the verbatim recital of the terms 'card slot' or 'SIM card slot' is not in the cited reference the Examiner maintains that they do not need to be. Markkanen teaches that a 'smart card' is a subscriber identity module (SIM) card (Page 1, [0006]; Markkanen). Markkanen also teaches that through the addition of an antenna and support of the International Standardization Organization (ISO) protocol 14443 for a contactless interface, the SIM card can be used like other smart cards in order to provide for full duplex transactions (Page 1, [0004], [0006], [0007]). Most importantly Markkanen teaches that the SIM card is "resident in the phone" (Page 1, [0006]). As a slot is defined as a "suitable position or niche" the Examiner maintains that the SIM card being resident in the phone, or in a suitable position within the phone, or in a slot are all analogous, and this is in fact why the teachings of Markkanen read on the currently recited claim language.

In more informal terms the Examiner now wishes to point out to the Applicant why the currently recited language fails to define over the Markkanen reference. With the risk at being redundant the Examiner maintains that Markkanen teaches a SIM card slot, as Markkanen teaches that a SIM card is resident in the mobile device of the reference (Page 1, [0006]). Furthermore the Examiner maintains that as the SIM card/ smart card of Markkanen reads on the contactless smart card reader/writer module electrically connected to said wireless mobile device via said SIM card slot, because Markkanen has incorporated not only the SIM data onto his card 14 of figure 1, but has also included an antenna for two way communication with a ISO 14443 reader item 20, of figure 1 (Page 1, [0019]). It is because the SIM card has the capability to read and write data from the SIM card that the Markkanen reference reads on the Applicant's claim, as this makes for a read write operation performed on the SIM card, which also has the read write function, which communicates via the galvanic connection of the SIM card to the mobile device. Lastly Markkanen teaches that said contactless smart card/SIM card reader/writer module is adapted to receive and read information stored in a contactless smart card/SIM card and transmit said information to an entity via said wireless network. Markkanen teaches this through the galvanic connection the smart card/SIM card can have data read from or written to the smart card/SIM card and that data can then be transferred wirelessly via connection 18 of figure 1 to an external entity (Item 20, Figure 1). Correspondingly claims 2-15 remain rejected on the grounds that claim 1 is not allowable in addition to their respective art rejections as set forth in the previous action.

Finally the Examiner wishes to establish that applications are examined on their recited claim language merits, and co-pending applications in no way influence the allowability of said merits..